



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,939	09/24/2003	Wu-Shuan Su	SIS.0161US (PE-25148-AM)	4614
21906	7590	05/20/2005	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			MATHEW, FENN C	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/669,939	Applicant(s) SU, WU-SHUAN	
	Examiner Fenn C Mathew	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


JEROME W. DONNELLY
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al. (U.S. 5,056,778) in view of Correll (U.S. 5,431,615).

Referring to claim 1, Hull teaches a hollow dumbbell adapted to be filled with liquid, the dumbbell comprising right and left shells spaced apart from each other along a longitudinal axis, and respectively defining two accommodation chambers adapted for containing liquid therein, a hollow neck member (20) elongated along the longitudinal axis, and interconnecting the right and left shells, and adapted to be gripped by a user's hand, the neck member defining a passage therein which extends along the longitudinal axis and which has two ends that are in fluid communication with the accommodation chambers, and a plug member detachably inserted into an access port formed in one of the accommodation chambers so as to close the access port. Hull fails to teach a light-related brightening member disposed in one of the shells or handle. Correll teaches an analogous device including light-related brightening members (17) teaching the desirability of such in column 2, lines 60-68. It would have been obvious to one of ordinary skill in the art at the time of invention to provide light-related brightening members as taught by Correll to the device of Hull in order to enhance exercise. With

Art Unit: 3764

respect to claim 4, it would have been obvious to one of ordinary skill in the art at the time of invention to include fluorescent material in place of glitter material in order to allow the dumbbell to be used in dim or dark situations. With respect to claim 5, Hull is silent with respect to the specific material used for one-piece construction, however, Correll teaches the desirability of a transparent material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have the body of Hull be formed of a transparent plastic material, based on its suitability for the intended use. With respect to claim 6, the modified Hull teaches the light brightening members mixing with liquid. The modified Hull teaches the use of glitter flakes. With respect to claim 7, in view of arguments above, it would have been obvious to have the glitter flakes be fluorescent flakes. With respect to claim 9, Hull teaches a flexible hook-and-loop fastened strap fastened around the neck member. With respect to claim 10, Hull teaches a threadingly engaged plug member. Referring to claim 11, Hull teaches a barrier portion in the neck portion, and a pair of access ports. The feature of having the access ports located at the neck portions is considered an obvious modification based on the disclosure of Correll.

3. Claims 2-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull in view of Correll as applied to claim 1 above, and further in view of Duda. As mentioned above, it is obvious to have fluorescent material in the modified Hull device, and furthermore it is obvious and well known in the art to include lighting means in the handles and bodies of weight members in view of the teachings about light-related

Art Unit: 3764

brightening members in figure 7 of Duda. Note that Duda further teaches the light brightening member being battery powered, and operated via a switch.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Roark U.S. 5,379,909

Wesley U.S. 5,393,284

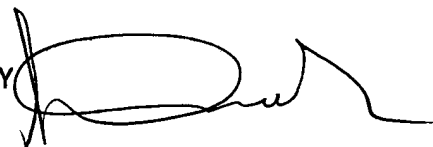
Passer U.S. 5,441,471

Pruchnik U.S. 5,871,423

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

JEROME W. DONNELLY
PRIMARY EXAMINER



Art Unit: 3764

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



fcm

May 18, 2005

JEROME W. DONNELLY
PRIMARY EXAMINER

